

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DERON J RUFFIN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 5:15-cv-00159-CAR-CHW
	:	
BRIAN OWENS, et al.,	:	Proceedings Under 42 U.S.C. § 1983
	:	Before the U.S. Magistrate Judge
Defendants.	:	
	:	

RECOMMENDATION

Before the Court is a Motion to Voluntarily Dismiss the Case without prejudice filed by Plaintiff Deron Ruffin. Doc. 27. In his motion he requests that the court dismiss his case as he no longer wants to proceed with his claims. *Id.* Federal Rule of Civil Procedure 41(a)(1)(A) provides that dismissal by the Plaintiff is appropriate when the Plaintiff files: “(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. Pro. 41(a)(1)(A). Defendants have not objected to the dismissal of this case, as they did not file a response to Plaintiff’s Motion. Further, Defendants have not yet filed an answer or a motion for summary judgment. Therefore it is **RECOMMENDED** that Plaintiff’s case be **DISMISSED WITHOUT PREJUDICE**.

Pursuant to 28 U.S.C. 636(b)(1), the parties may serve and file written objections to this **RECOMMENDATION** with the District Judge to whom this case is assigned **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof.

The parties are further notified that, pursuant to Eleventh Circuit Rule 3-1, “[a] party failing to object to a magistrate judge’s findings or recommendations contained in a report and

recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice."

SO RECOMMENDED, this 12th day of January, 2016.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge